UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,110	09/30/2003	Marcus Kellerman	14972US02	4986

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EXAMINER
REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *see attached*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on October 19, 2004 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is

considering the information disclosure statement. The examiner notes that the PG Pub

application by inventor Miraj Mostafa lists an incorrect publication number on the PTO

form 1449. The examiner has crossed out that reference on the PTO form 1449 and

included the correct publication number on the PTO form 892.

Priority

2.   Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Specification

3.   The disclosure is objected to because of the following informalities: On page of

the applicant's specification, the US Patent Application Serial Numbers is missing for

the two related applications.

       Appropriate correction is required.

4.   The abstract of the disclosure is objected to because the last line of the abstract

recites "The server may reformat the media content based on the device" and it appears

to the examiner after device, the word "profile." should be included. Correction is

required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-5,7,8-17, and 21-28 are rejected under 35 U.S.C. 102(e) as being

anticipated by Suzuki et al, U.S. Patent 6,463,445.

As per claim 1, the teachings of Suzuki et al disclose of a system for reformatting

media content (col. 3, lines 27-33). A data access server is operably to a network (as

shown in Figure 1). A client (first communication device) and multimedia contents

server (second communication device) are operably connected to the network (as

shown in Figure 1). The multimedia contents server (second communication device)

receives client information (device profile) related to the client (first communication

device) from the client (first communications device) and sends the client information

(device profile) and media content to the data access server (col. 3, lines 38-49 & 61-63

and col. 6, lines 21-28). The data access server reformats the media content based on

the client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 2, it is disclosed by Suzuki et al of the data access server sending

the reformatted media content to the client (first communication device)(col. 6, lines 31-

34 and col. 7, lines 23-30).

As per claim 3, Suzuki et al teaches of the data access server transcoding the

media content from a first type of format to a second type of format wherein the second

type of format is compatible with the client (first communication device)(col. 6, lines 31-40).

As per claim 4, Suzuki et al discloses that the data access server comprises a dedicated format conversion server (col. 3, lines 61-63 and col. 7, lines 31-33).

As per claim 5, the teachings of Suzuki et al disclose that the client (first communication device) requests the media content from the multimedia contents server (second communication device)(col. 6, lines 21-28).

As per claim 7, it is disclosed by Suzuki et al that the client (first communication device) is coupled to the network via a first headend and the multimedia contents server (second communication device) is coupled to the network via a second headend (col. 6, lines 4-20).

As per claim 8, Suzuki et al teaches that the client (first communication device), multimedia contents server (second communication device), and the data access server comprise a software platform that can provide user-interface functionality, distributed storage functionality, and networking functionality (col. 5, line 66 though col. 6, line 20 and col. 6, lines 37-44).

As per claim 9, Suzuki et al discloses of the client (first communication device), multimedia contents server (second communication device), and the data access server comprise a software platform that can provide channel setup (col. 5, line 66 though col. 6, line 20).

As per claim 10, it is taught by Suzuki et al that the client (first communication device), multimedia contents server (second communication device), and the data

access server have distributed networking capability (col. 5, line 66 though col. 6, line 20).

As per claim 11, Suzuki et al discloses that the client information (device profile) comprises information related to the media capabilities of the client (first communication device)(col. 3, lines 38-49).

As per claim 12, Suzuki et al teaches that the client (first communication device) and the multimedia contents server (second communication device) comprise a television screen that facilitates view and interacting with media (col. 5, line 66 though col. 6, line 8).

As per claim 13, it is disclosed by Suzuki et al of a system for reformatting media content (col. 3, lines 27-33). A data access server is coupled to a network (as shown in Figure 1). A client (first communication device) operably coupled to the network sends content information (device profile) of the client (first communication device) to the data access server (col. 3, lines 38-49 & 61-63; col. 6, lines 21-28; and as shown in Figure 1). A multimedia contents server (second communication device) operably coupled to the network sends media content to the data access server (col. 6, lines 25-30 and as shown in Figure 1). The data access server reformats the media content based on the client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 14, Suzuki et al teaches that the data access server reformats the media content to be compatible with the client (first communication device)(col. 3, lines 45-49 & 61-63).

As per claim 15, Suzuki et al discloses that the data access server stores the client information (device profile) for use in reformatting other media content destined for the client (first communication device)(col. 15, lines 8-25).

As per claim 16, Suzuki et al teaches of a system for reformatting media content (col. 3, lines 27-33). A data access server is operably coupled to a network (as shown in Figure 1). A client (communications device) operably coupled to the network receives media content of a format that is not supported by the communications device and sends client information (device profile) of the client (communications device) and the received media content to the data access server (col. 6, lines 41-57; and as shown in Figure 1). The data access server reformats the media content from the client (communications device) into a format that is supported by the client (communications device) based on the client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 17, it is disclosed by Suzuki et al that the data access server stores the client information (device profile) of the client (communications device) for use in reformatting other media destined for the client (communications device)(col. 15, lines 8-25).

As per claim 21, Suzuki et al teaches of a method for reformatting media content (col. 3, lines 27-33). A data access server receives client information (device profile) of a client (communications device) and media content destined for the client (communications device)(col. 6, lines 41-57). The data access server is operably coupled to a network (as shown in Figure 1). The data access server reformats the

media content based on the client information (device profile)(col. 3, lines 45-49 & 61-63

and col. 7, lines 23-30).

As per claim 22, the teachings of Suzuki et al disclose of sending the client

information (device profile) and the media content to the data access server from a

multimedia contents server (second communication device) that is connected via a

network (col. 6, lines 20-30 and as shown in Figure 1).

As per claim 23, Suzuki et al discloses that the client (communications device)

sends the client information (device profile) about the client (communications device) to

the data access server (col. 6, lines 20-25). A multimedia contents server (second

communication device) operably coupled to the data access server via network sends

media content to the data access server (col. 6, lines 25-30 and as shown in Figure 1).

As per claim 24, it is taught by Suzuki et al that the reformatted media content is

supported by the client (communications device)(col. 3, lines 45-49 & 61-63 and col. 7,

lines 23-30).

As per claim 25, Suzuki et al discloses of the client (communications device)

requesting the media content from a multimedia contents server (second

communication device)(col. 6, lines 21-28).

As per claim 26, Suzuki et al teaches of sending the reformatted media content

to the client (communications device) via the network (col. 3, lines 45-49 & 61-63 and

col. 7, lines 23-30).

As per claim 27, Suzuki et al discloses of storing the client information (device profile) at the data access server for use in reformatting other media content destined for the client (communications device)(col. 15, lines 8-25).

As per claim 28, Suzuki et al teaches of the client (communications device) sending the client information (device profile) and the media content to the data access server (col. 6, lines 41-57).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 6 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al, U.S. Patent 6,463,445.

As per claims 6 and 18, it is disclosed by Suzuki et al of a system for reformatting media content (col. 3, lines 27-33). A client (communication device) is operably connected to a network (as shown in Figure 1). The client (communications device) stores client information (device profile) and sends the client information (device profile) to the network (col. 3, lines 38-49 & 61-63 and col. 6, lines 21-28). Media content is received from the network that has been reformatted based on the client information (device profile)(col. 3, lines 45-49 and col. 7, lines 23-30). The teachings of Suzuki et al do not disclose that the client information (device profile) is updated or revisable. It is

obvious to one of ordinary skill in the art at the time of the invention to have been motivated to allow client information to be modified based on changes to the client (communications device). It is notoriously well known that a client can alter its configuration formats at any point in time and when that change takes place, the motivational benefits is to accordingly notify a server or provider so that the appropriate formats can be supplied. It is obvious that the teachings of Suzuki et al would have allowed updates or revisions to the client information (device profile) whenever changes were made to the client (communication device) so that the data access server can reformat the media that corresponds to the updated or revised client configuration.

As per claim 19, the teachings of Suzuki et al disclose of a data access server operably connected to the network (as shown in Figure 1). The data access server reformats the media content destined for the client (communications device) based on the revisable client information (device profile)(col. 3, lines 45-49 & 61-63 and col. 7, lines 23-30).

As per claim 20, Suzuki et al teaches that the data access server stores the revisable client information (device profile) of the client (communications device) for use in reformatting other media destined for the client (communications device)(col. 15, lines 8-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak
Primary Examiner
Art Group 2131

CR
August 4, 2005